

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

LATHRAIN DEBROUX,

Plaintiff,

v.

Civil Action No. 3:18CV152

MS. WILLIAMS, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on March 22, 2018, the Court conditionally docketed the action. At that time, the Court directed Lathrain DeBroux to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned DeBroux that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

DeBroux returned an in forma pauperis affidavit, but failed to return the consent to collection of fees form. By Memorandum Order entered on April 12, 2018, the Court again mailed DeBroux a consent to collection of fees form and instructed DeBroux that he must sign and return the form within thirty (30) days of the date of entry thereof. On May 9, 2018, DeBroux returned a second in forma pauperis affidavit, but again failed to return the consent to collection of fees form.

DeBroux has not complied with the order of this Court. DeBroux twice failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to DeBroux.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: June 5, 2018
Richmond, Virginia

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ORDER

In accordance with the accompanying Memorandum Opinion, it is ordered that the action is dismissed without prejudice because DeBroux failed to return a consent to collection of fees form and he did not pay the statutory filing fee.

Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of the Order to DeBroux.

It is so ORDERED.

/s/

REP

Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *June 5, 2018*